IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2050 OF 2005

IN

REVIEW PETITION (L) NO.31983 OF 2004

IN

WRIT PETITION NO.839 OF 2002

Joseph Edward Mendas and anr. ... Applicants

v/s

Smt Kashibai G. Patel and ors. ... Respondents

Mr Y.S. Jahagirdar for Applicants.

Mr V.T. Lulia for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 24TH AUGUST 2005.

P.C. :-

1. There is no scope to review the order. The apprehension expressed by the learned counsel appearing for applicants that in the civil suit filed by them, in case the issue of tenancy is raised and if that is referred to the tenancy court for decision, that issue will not be decided on its own merits but on the basis of orders passed by the revisional authority. If an issue of tenancy is raised and if that issue is referred to the tenancy court, it goes without saying that though the authority deciding the issue of tenancy would be officers of the Revenue Department, they will be acting as authorities and Courts under the Tenancy Act and obviously they will decide the question that arises for consideration before them on the basis of evidence produced before them and not on the basis of orders made by the Revisional Authority. Civil application and review petition are disposed off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.